

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JUDGE DAVID M. GLOVER

DIVISION I

CACR05-1168

December 13, 2006

LELAND D. LAWSON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[CR-04-2608-2]

HONORABLE KIM M. SMITH,
JUDGE

AFFIRMED

Appellant, Leland Lawson, entered a conditional plea of guilty to possession of drug paraphernalia with intent to manufacture methamphetamine after the trial court denied his motion to suppress evidence found in his truck during a traffic stop. A jury sentenced him to thirty years in the Arkansas Department of Correction. Appellant's sole point of appeal is that the trial court erred in denying his motion to suppress. We affirm.

On November 7, 2004, Officer Christopher Denton of the Fayetteville Police Department was working as a plain clothes officer in Marvin's IGA, a grocery store known to have problems with people buying precursors for methamphetamine, when he noticed appellant shopping in the store. Denton said that appellant looked at him several

times and appeared to be nervous, “like he was trying to figure out who I was.” Denton watched appellant leave the checkout line twice and put items back. When appellant finally checked out, the clerk did not allow him to purchase all of the matches he had in his cart, although appellant did purchase some matches and distilled water. After appellant had made his purchases, left the store, and got into his vehicle, Denton radioed Officer Cameron Crafton, who was acting as Denton’s “stop car” outside the store, and gave Crafton a description of appellant and the vehicle he was driving. Denton also advised Crafton that appellant did not use a turn signal or come to a stop before he exited the parking lot.

Crafton corroborated Denton’s testimony, stating that he saw appellant exit the store and get into his truck. Crafton did not see appellant turn out of the parking lot without signaling or stopping, but testified that he was advised by Denton of appellant’s failure to stop or use a signal. Crafton followed appellant’s vehicle after it turned onto North College Avenue. He said that he initially could not tell if the vehicle had a license plate, and that he did not see the light activated that was supposed to illuminate the license plate. However, Crafton said that when he got closer, he could make out the tag number, although the tag was extremely dirty. Crafton also said that while he was following appellant, appellant “drifted” into the outside lane and did not turn on his turn signal until he was almost in the outside lane. Crafton said that he followed appellant as he made a right turn off North College onto Rebecca and then to the stop sign at the intersection of Rebecca and Willow, where Crafton turned on his blue lights and stopped

appellant. Crafton said that he initiated the traffic stop based upon the violations reported to him by Denton, not being able to observe the tag because the license light was not working and because the tag was dirty, and because appellant changed lanes without signaling. Upon the stop, appellant was arrested for possible possession of drug paraphernalia with intent to manufacture methamphetamine based upon items in his truck that were in plain sight, no proof of insurance, and failure to use a turn signal. Crafton testified that he would probably have followed the appellant anyway because he pulled out of a location where it was known that a lot of people were purchasing drug precursors.

In appellant's case-in-chief, the man who owned the wrecker service that towed appellant's truck testified that three weeks after he towed the truck, he was asked to check the license plate lamp and that it was in working condition.

In *Davis v. State*, 351 Ark. 406, 413, 94 S.W.3d 892, 896 (2003), the supreme court clarified our appellate courts' standard of review for a suppression challenge: "Our standard is that we conduct a *de novo* review based on the totality of the circumstances, reviewing findings of historical facts for clear error and determining whether those facts give rise to reasonable suspicion or probable cause, giving due weight to inferences drawn by the trial court."

All that is required is that the officer has probable cause to believe that a traffic violation has occurred. *Laine v. State*, 347 Ark. 142, 60 S.W.3d 464 (2001). In this case, Crafton testified that he saw appellant change lanes without signaling until he was almost

over in the other lane, and that he thought that appellant's license plate light was not working. Such testimony constitutes probable cause for the traffic stop. The trial court accepted this testimony as credible, and this court is bound by that determination. Furthermore, even if the traffic stop was pretextual, if there was reasonable cause for the traffic stop, a defendant is not entitled to have evidence excluded that is discovered as a result of that stop. *Lawson v. State*, 89 Ark. App. 77, 200 S.W.3d 459 (2004).

Affirmed.

VAUGHT and CRABTREE, JJ., agree.